

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

DAVID J. WELCH and LINDA WELCH, husband  
and wife,

Plaintiff,

v.

**AIR & LIQUID SYSTEMS CORPORATION,**  
as Successor by Merger to BUFFALO PUMPS,  
INC.;  
**ATLANTIC RICHFIELD COMPANY (ARCO);**  
**BP AMERICA, INC.;**  
**BP CORPORATION OF NORTH AMERICA,**  
INC., as successor in interest to AMOCO, INC.  
and AMERICAN OIL COMPANY;  
**BP PRODUCTS NORTH AMERICA, INC.,** as  
successor in interest to AMOCO, INC. and  
AMERICAN OIL COMPANY;  
**BRAND INSULATIONS, INC.;**  
**BW/IP, INC.,** f/k/a BORG-WARNER  
INDUSTRIAL PRODUCTS, successor-in-  
interest to BYRON JACKSON PUMPS;  
**CARRIER CORPORATION;**  
**COOPER INDUSTRIES, INC.,** f/k/a THE  
COOPER-BESSEMER CORPORATION;  
**ELECTROLUX HOME PRODUCTS, INC.,**  
as successor-in-interest to COPES-VULCAN,  
INC.;  
**FLOWERVE US INC.,** solely as  
successor-in-interest to EDWARD VALVES,  
INC.;  
**FOSTER WHEELER LLC;**  
**GENERAL ELECTRIC COMPANY;**  
**GOULDS PUMPS (IPG), LLC;**

NO.

COMPLAINT FOR PERSONAL  
INJURIES

**HASKELL CORPORATION;**  
**IMO INDUSTRIES, INC.**, individually and as  
successor-in-interest to DE LAVAL TURBINE,  
INC. and liable for C.H. WHEELER;  
**ITT LLC**, as successor-in-interest to FOSTER  
VALVES;  
**METALCLAD INSULATION LLC;**  
**METROPOLITAN LIFE INSURANCE**  
**COMPANY;**  
**NORTH COAST ELECTRIC COMPANY;**  
**PFIZER, INC.;**  
**P-G INDUSTRIES, INC.**, as successor-in-  
interest to PRYOR GIGGEY CO., INC.;  
**SPIRAX SARCO, INC.;**  
**TATE ANDALE, LLC;**  
**THE NASH ENGINEERING COMPANY;**  
**UNION CARBIDE CORPORATION;**  
**VELAN VALVE CORPORATION;**  
**VIACOMCBS, INC.;**  
**TWC THE VALVE COMPANY, L.L.C.;**  
**WARREN PUMPS, LLC.**, Individually and as  
successor in interest to QUIMBY PUMP  
COMPANY;  
**WEIR VALVE & CONTROLS USA INC.**,  
Individually and as successor-in-interest to  
ATWOOD & MORRILL CO., INC.;  
**WESTINGHOUSE ELECTRIC**  
**CORPORATION**, as successor-in-interest to B.F.  
STURTEVANT COMPANY; and  
**THE WILLIAM POWELL COMPANY,**

Defendants.

## I. PARTIES

Plaintiffs David J. Welch and Linda Welch, husband and wife, reside in Sumas,  
Washington. Defendants and their predecessors-in-interest are corporations who, at all relevant  
times, manufactured, sold, distributed, installed, specified, or purchased asbestos-containing  
products or products that were used in conjunction with asbestos.

## I. JURISDICTION

This Court has jurisdiction over this cause under RCW 4.12.025 because, at all relevant times, defendants transacted business and/or may be served with process in King County, Washington. This Court has specific jurisdiction over all out-of-state defendants because they each purposefully performed acts or consummated transactions in Washington State, Plaintiffs cause of action arises out of and/or relates to defendants' activities and/or transactions in Washington State, and assumption of jurisdiction over such out-of-state defendants by this Court does not offend traditional notions of fair play and substantial justice.

## II. FACTS

Plaintiff David J. Welch, (DOB: 1944) was exposed to asbestos and asbestos-containing products which had been mined, manufactured, produced, installed and/or placed into the stream of commerce by the defendants and/or was exposed to asbestos through the use of products manufactured by defendants. As a direct and proximate result of this exposure, plaintiff David J. Welch developed mesothelioma. Plaintiff provides the following information:

- A. Specific Disease: Mesothelioma
- B. Date of Diagnosis: May 2021
- C. Occupation: Fireman; Welder
- D. Places of Exposure: U.S. Navy (1965-1969);  
Northwest Washington Industrial Sites (1969-1996)
- E. Dates of Exposure: 1960s-1990s
- F. Current Address: 5295 Reese Hill Road  
Sumas, WA 98292

### III. LIABILITY

Plaintiffs claim liability based upon the theories of product liability, negligence, conspiracy, unsafe workplace, strict liability for abnormally dangerous activities, and any other applicable theory of liability. The liability-creating conduct of defendants consisted, *inter alia*, of negligent and unsafe design; failure to inspect, test, warn, instruct, monitor and/or recall; failure to substitute safe products; post-sale failure to warn, marketing or installing unreasonably dangerous or extra-hazardous and/or defective products; marketing, maintaining or installing products not reasonably safe as designed; marketing maintaining or installing products not reasonably safe for lack of adequate warning and marketing maintaining or installing products with misrepresentations of product safety.

Defendant Pfizer, Inc. is liable as an apparent manufacture of asbestos products under RESTATEMENT SECOND TORTS § 400 because it put out asbestos products as its own. By placing its logo on the packaging and promotional materials for asbestos products, Pfizer used its world-renown brand identify to vouch for the quality and wholesomeness of such products, causing both reasonable consumers and sophisticated purchasers to understand Pfizer to be these products' manufacturer. Pfizer also inserted itself into the manufacture, promotion, and sale of asbestos products so as to fall within their chain of distribution.

### IV. DAMAGES

As a proximate result of defendants' tortious conduct, plaintiff David J. Welch sustained pain, suffering, and disability in an amount not now known, but which will be proven at trial. Plaintiff David J. Welch also sustained medical expenses and economic losses in an amount to be proven at trial. Plaintiff Linda Welch has sustained loss of consortium as a result of David J. Welch's illness.

1 WHEREFORE, plaintiffs pray for judgment against the defendants and each of them as  
2 follows:

3 1. For general and special damages specified above, including pain, suffering,  
4 inconvenience, mental anguish, disability, disfigurement, emotional distress, humiliation, and  
5 loss of consortium;

6 2. For medical and related expenses, and economic loss, all of which will be proven  
7 at the time of trial;

8 3. For punitive damages based on the application of other states' law;

9 4. For plaintiff's costs and disbursements herein;

10 5. For prejudgment interest in the amount to be proven at trial; and

11 6. For such other relief as the Court deems just.

12 DATED this 1<sup>st</sup> day of June 2021.

13 BERGMAN DRAPER OSLUND UDO, PLLC

14 By /s/ Matthew P. Bergman

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## **CERTIFICATE OF SERVICE**

I certify under the penalty of perjury under the laws of the State of Washington that on this date the foregoing document was filed using the Court's E-filing system, which will serve a copy on all counsel of record.

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DATED this 7<sup>th</sup> day of July, 2021.

s/ Lynn Van Eyck  
Lynn Van Eyck

CERTIFICATE OF SERVICE - 2

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